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FILED

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RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 Attorneys for Plaintiff

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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15
16 UNITED STATES OF AMERICA,) CR No. 09-70015 EDL
17 Plaintiff,)
18 v.) STIPULATION AND [PROPOSED] ORDER
19 VINCENT MERTES,) EXCLUDING TIME UNDER FED. R. CRIM.
20 Defendant.) P. 5.1 and 18 U.S.C. § 3161

21
22 On January 30, 2009, the parties in this case appeared before the Court for the
23 government's motion for detention and to set the date for the defendant's preliminary hearing or
24 arraignment. At that time, the parties requested, and the Court agreed, to set the date for the
25 defendant's preliminary hearing or arraignment on February 27, 2009. The parties now request
26 that the Court change the date for the defendant's preliminary hearing or arraignment to March
27 20, 2009. The parties also request that pursuant to Federal Rule of Criminal Procedure ("FRCP")
28 5.1(d), the time limits set forth in FRCP 5.1(c) be extended through March 20, 2009. The parties

1 agree that, taking into account the public interest in prompt disposition of criminal cases, good
2 cause exists for this extension.

3 The defendant also agrees to exclude for this period of time any time limits applicable
4 under 18 U.S.C. § 3161. The parties represented that granting the continuance was the
5 reasonable time necessary for effective preparation of defense counsel. 18 U.S.C. §
6 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by granting such a
7 continuance outweighed the best interests of the public and the defendant in a speedy trial. 18
8 U.S.C. § 3161(h)(8)(A).

9 SO STIPULATED:

10 JOSEPH P. RUSSONIELLO
11 United States Attorney

12 DATED: February 24, 2009

13 /s/
14 TAREK J. HELOU
15 Assistant United States Attorney

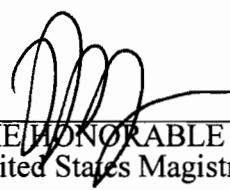
16 DATED: February 24, 2009

17 /s/
18 ANTHONY BRASS
19 Attorney for VINCENT MERTES

20 For the reasons stated above, the Court finds that the extension of time for the defendant's
21 preliminary hearing or arraignment through March 20, 2009 is warranted and that the ends of
22 justice served by the continuance outweigh the best interests of the public and the defendant in a
23 speedy trial. 18 U.S.C. § 3161 (h)(8)(A); FED. R. CRIM. P. 5.1(d). The failure to grant the
24 requested continuance would deny the defendant effective preparation of counsel, and would
25 result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(B)(iv).

26 SO ORDERED.

27 DATED: 2-26-09

28 
THE HONORABLE MARIA ELENA JAMES
United States Magistrate Judge